

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 (local) Attorneys for Secured Creditor Shauna Deluca, Esq. (SD-8248)	Case No.: 17-21379-CMG Chapter: 13 Hearing Date: September 2, 2020 Judge: Christine M. Gravelle
In Re: Kenneth C Hilliard, Debtor. Paula P. Hilliard, Joint Debtor.	

**LIMITED RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF
LIENS UNDER SECTION 363(F)**

NewRez LLC d/b/a Shellpoint Mortgage Servicing, (“Secured Creditor”), by and through undersigned counsel, hereby files its Limited Response to Motion to Sell Property Free and Clear of Liens under Section 363(f) (“Motion to Sell”) (DE# 66) filed by Kenneth C Hilliard and Paula P. Hilliard (collectively "Debtors") on August 3, 2020, and, in support thereof, states as follows:

1. Debtors filed the instant Chapter 13 Bankruptcy Petition on June 1, 2017 (the “Petition Date”).
2. Secured Creditor holds a security interest in the Debtors' real property located at 705 Oxford St, Belvidere, New Jersey 07823 (the “Property”) by virtue of a Mortgage in the original principal amount of \$138,420.00. The Mortgage was recorded in Book 5317, at Page 133 in the Office of the Clerk/Register of Deeds for Warren County, New Jersey (the “Mortgage”).
3. On August 3, 2020, Debtors filed the instant Motion to Sell, seeking Court approval from the Court to sell the Subject Property for \$ 140,000.00.
4. Secured Creditor has provided a payoff good through August 21, 2020 in the amount of \$115,288.32. Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale. As the sales price appears to satisfy the totality of Creditor’s lien in full, Secured Creditor is filing its Response in an abundance of caution, as Secured

Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).

5. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien and/or short sale approval and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote and/or short sale approval.
6. Furthermore, Secured Creditor requests that any sale be completed within 90-days of entry of this Order.
7. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying the Debtors' Motion and for such other relief as the Court deems just and proper.

RAS Citron, LLC
Attorney for Secured Creditor
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Fairfield, NJ 07004
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Shauna Deluca, Esq.
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CERTIFICATION OF SERVICE

1. I, Shauna Deluca, represent NewRez LLC d/b/a Shellpoint Mortgage Servicing in this matter.
2. On August 26, 2020, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Limited Response to Motion To Sell Property Free And Clear Of Liens Under Section 363(f), and this Certification of Service.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

August 25, 2020

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone: 973-575-0707
By: /s/ Shauna Deluca
Shauna Deluca, Esq.
Bar ID: SD-8248
Email: sdeluca@rasflaw.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Joan Sirkis Warren Lavery & Sirkis 699 Washington St Suite 103 Hackettstown, NJ 07840	Attorney for Debtors	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Kenneth C Hilliard 705 Oxford Street Belvidere, NJ 07823	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Paula P. Hilliard 705 Oxford Street Belvidere, NJ 07823	Joint Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)